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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,087	04/06/2006	John S. McGeachie	112680.00019	3244
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HOLLAND & KNIGHT LLP 10 ST. JAMES AVENUE BOSTON, MA 02116-3889			LU, KUEN S	
			ART UNIT	PAPER NUMBER
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			12/17/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/562,087

Applicant(s)

MCGEACHIE ET AL.

Examiner

KUEN S. LU

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-912)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

0. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

1. The Action is responsive to the Applicant's Amendment, filed November 2, 2010. It is acknowledged that amendments were made to claims 1-3, 5-6, 9-14, 16-17 and 20 and new claims 21-22 were added. As to Applicant's remarks/arguments, please see Examiner's responses in a section following claim rejections.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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2.1. Claims 1-22 are rejected under 35 U.S.C. 102(b) as anticipated by Raveis, Jr.:
“SYSTEM AND METHOD FOR MANAGING TRANSACTIONS RELATING TO REAL ESTATE”, U.S. Patent 6,321,202, filed 12/10/1999 and issued 11/20/2001, hereafter “Raveis”.

As per claim 1, Raveis teaches “A computer-implemented method of determining a pathway between a source connection point and a target connection point, comprising” (See Figs. 2, 4; col. 6, line 64 – col. 7, line 20; col. 8, lines 38-40 and col. 10, lines 1-8, **sales agents is the source connection point** as the list of contacts and real estate sales listing **is the target connection point**):

“providing a computer system having at least one database comprising data defining individuals, business entities, or both as connection points” (See Figs. 2A-2B and 8A-8B, col. 6, line 64 – col. 7, line 20; col. 9, line 64 – col. 10, line 8, real estate databases, including sales agent, contact, listing, vendor and real estate company, identify entities such as agent, contact and real estate sales listing);

“defining the source connection point as a list of contacts comprising individuals, business entities, or both,” (See Figs. 2, 4; col. 6, lines 54-63; col. 8, lines 38-40 and col. 10, lines 1-8, **sales agents is the source connection point** as the list of contacts and contact is an item can be treated as a unit);

“defining the target connection point” (See col. 10, lines 1-8, real estate sales listing is the target connection point); and

“defining a set of intermediate connection points as a series of intermediate contacts that

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collectively define the pathway from the source connection point to the target connection point, as a function of predetermined relationships among a superset of contacts comprising the intermediate contacts” (See col. 10, lines 1-10, and col. 6, line 64 – col. 7, line 20, the real estate company provides intermediate points defining pathway between sales agents and real estate sales listing in which the real estate company database identifies real estate listing, sales agents, contacts and sale transactions).

As per claim 11, the claim describes a computer-readable storage medium having stored thereon instructions for determining at least one pathway between a source connection point and a target connection point, said instructions when executed by a computer causes a processor to perform operations as described claim 1. Therefore, claim 11 is rejected base on the same rationale that rejected claim 1.

As per claim 2, Raveis teaches the computer-implemented method of claim 1 further comprising:

“providing at least one host database comprising identification data for each of a plurality of individuals and business entities, wherein for each individual or business entity said identification data includes relationships to at least one other individual or business entity” (See Figs. 2, 6A-6B, col. 6, line 64 – col. 7, line 20 and col. 9, lines 8-25, the sales agents, contacts, listings, vendor and real estate company are **associated and related** based on fields of data of the databases);

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“defining a starting point as a list of at least one individual or business entity” (See Figs. 2, 4; col. 6, lines 54-63; col. 8, lines 38-40 and col. 10, lines 1-8, where sales agents **is the source connection point, also a starting point**, as the list of contacts);

“defining an endpoint as a list of at least one individual or business entity” (See col. 10, lines 1-8, fields of real estate sales listing is the target connection point, also the endpoint as the listing real estate sales); and

“generating at least one pathway that identifies a set of intermediate individuals, business entities or both” (See col. 6, line 64 – col. 7, line 23, the real estate company is the pathway between sales agents and real state sales listings, the database identifies individuals, including sale contacts, sellers attorney and real estate transactions), wherein the identity of each intermediate individual or business entity includes:

“a first set of identification data **in common with** a set of identification data of an individual or business entity from **the starting point** or of a prior intermediate individual or business entity” (See col. 6, line 64 – col. 7, line 23, sales agents are in common with sales agents database, the starting point); and

“a second set of identification data **in common with** a set of identification data of a subsequent intermediate individual or business entity or of an individual or business entity from **the endpoint**” (See col. 6, line 64 – col. 7, line 23, sellers attorney, surveys are related to the real estate listing).

As per claim 3, Raveis teaches “The method of claim 2 wherein at least one of the starting

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point and the endpoint is a list comprising a plurality of individuals, business entities or both” (See col. 6, line 64 – col. 7, line 23, col. 6, line 64 – col. 7, line 20; col. 9, line 64 – col. 10, line 8, each record in real estate databases, including sales agent, contact, listing, vendor and real estate company, identify business entities such as agent, contact and real estate sales listing is self a listing of data).

As per claim 4, Raveis teaches “The method of claim 2 further comprising providing a user interface configured for entry of at least one of the starting point or endpoint” (See Figs. 4-5, 7 and 9, each of the user interface window provides entry for the sales agent, contact, listing, vendor and real estate company, identify business entities such as agent, contact and/or real estate sales).

As per claim 5, Raveis teaches “The method of claim 2 wherein the identification data comprises an identification of the individual or business entity” (See col. 6, line 64 – col. 7, line 23, sales agents, MLS data, phones are fields for data and as examples for identifying individual or business entity).

As per claim 6, Raveis teaches “The method of claim 2 wherein providing at least one host database comprises deriving information from at least one private or public domain source including data representing individuals, business entities or both” (See col. 6, line 64 – col. 7, line 23, data related to real estate company, sales agents and real estate sales listing are public

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data with exceptions such as those financial or confidential related).

As per claim 7, Raveis teaches “The method of claim 6 wherein deriving information comprises parsing information from at least one private or public domain source” (See col. 6, line 64 – col. 7, line 23, data related to real estate company, sales agents and real estate sales listing are public data with exceptions such as those financial or confidential related).

As per claim 8, Raveis teaches “The method of claim 6 wherein the at least one private or public domain source includes web sites, publications and databases” (See col. 6, line 64 – col. 7, line 23, data related to real estate company, sales agents and real estate sales listing are in databases).

As per claim 9, Raveis teaches “The method of claim 2, further comprising, prior to generating, defining a maximum number of intermediate individuals, business entities or both to comprise the at least one pathway” (See col. 6, line 64 – col. 7, line 23, sales agents, MLS data, phones are fields identifying individual or business entity comprises data in the real estate company database).

As per claim 10, Raveis teaches “The method of claim 2, further comprising: for the at least one pathway, displaying the starting point, the one or more intermediate individuals, business entities or both and the at least one endpoint” (See col. 6, line 64 – col. 7, line 23, the real estate

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company record includes sales contact, the sales agent, and real estate survey for real estate listing).

As per claims 12-13, the claims describe a computer-readable storage medium having stored thereon instructions for determining at least one pathway between a source connection point and a target connection point, said instructions when executed by a computer causes a processor to perform operations as described claim 2. Therefore, claims 12-13 are rejected base on the same rationale that rejected claim 2.

As per claims 14-19, the claims describe a computer-readable storage medium having stored thereon instructions for determining at least one pathway between a source connection point and a target connection point, said instructions when executed by a computer causes a processor to perform operations as described claims 3-9, respectively and consequentially. Therefore, claims 14-19 are rejected base on the same rationale that rejected claims 3-9, respectively and consequentially.

As per claim 21, Raveis teaches “A computer-implemented method of determining a pathway between a source connection point and a target connection point” (See Figs. 2, 4; col. 6, line 64 – col. 7, line 20; col. 8, lines 38-40 and col. 10, lines 1-8, sales agents **is the source connection point** as the list of contacts and real estate sales listing **is the target connection point**) comprising:

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“providing a computer system having at least one database comprising data defining individuals as connection points” (See Figs. 2A-2B and 8A-8B, col. 6, line 64 – col. 7, line 20; col. 9, line 64 – col. 10, line 8, real estate databases, including sales agent, contact, listing, vendor and real estate company, identify entities such as agent, contact and real estate sales listing in which sales agents **is the source connection point** as the list of contacts and real estate sales listing **is the target connection point**);

“defining the source connection point as a list of contacts comprising individuals” (See Figs. 2, 4; col. 6, line 64 – col. 7, line 20; col. 8, lines 38-40 and col. 10, lines 1-8, sales agents **is the source connection point** as the list of contacts and real estate sales listing **is the target connection point in which sales and agents are individuals**);

“defining the target connection point, wherein the target connection point is at least one individual” (See Figs. 2, 4; col. 6, line 64 – col. 7, line 20; col. 8, lines 38-40 and col. 10, lines 1-8, sales agents **is the source connection point** as the list of contacts and real estate sales listing **is the target connection point in which sales and agents are individuals**); and

“defining a set of intermediate connection points as a series of intermediate contacts that collectively define the pathway from the source connection point to the target connection point, as a function of predetermined relationships among a superset of contacts comprising the intermediate contacts” (See col. 10, lines 1-10, and col. 6, line 64 – col. 7, line 20, the real estate company provides intermediate points defining pathway between sales agents and real estate sales listing in which the real estate company database identifies real estate listing, sales agents, contacts and sale transactions).

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As per claim 22, the claim describes a computer-readable storage medium having stored thereon instructions for determining at least one pathway between a source connection point and a target connection point, said instructions when executed by a computer causes a processor to perform operations as described claim 21. Therefore, claim 22 is rejected base on the same rationale that rejected claim 21.

References

3.1. The prior art made of record

B. U.S. Patent 6,321,202

3.2. The prior art made of record and not relied upon is considered pertinent to applicant’s disclosure.

A. U.S. Patent Application Publication 2005/0015432

Response to Arguments

4. In the REMARKS/Amendment filed July 19, 2010, Applicant made the following arguments. Corresponding to each argument, Examiner responds respectfully as highlighted below:

Remarks

As stated above, Applicants appreciate the Examiner’s thorough examination of the subject application and request reexamination and reconsideration of the subject application in view of the preceding amendments and the following remarks.

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As of the Final Office Action of August 9, 2010 claims 1-20 were pending in the subject application, of which claims 1 and 11 are independent claims. With this response Applicants have amended claims 1-3, 5-6, 9-14, 16-17, and 20 and have added new claims 21-22. No new matter is believed to have been added as a result of these amendments.

Claim Rejections - 35 U.S.C. § 102

Claims 1-20 are rejected under 35 U.S.C. 102(b) as anticipated by Raveis, Jr., (U.S. Patent No. 6,321,202, hereinafter "Raveis").

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,321,202 issued to Raveis. Applicants respectfully traverse this rejection.

As discussed during the telephonic interview, Applicants respectfully submit that the subject matter of the Raveis reference is entirely different from the subject matter of the present application. Specifically, it is Applicants' understanding that Raveis is directed towards a method for managing transactions relating to real estate. See, Raveis, Title. As stated by the Examiner on pages 3-4 of the Official Action dated August 9, 2010, Raveis is directed towards connecting real estate agents with real estate sales listings. See, Official Action, page 4. In Raveis, the target is always a real estate listing, e.g., an MLS listing for a home, apartment, etc.

This differs significantly from Applicants' newly amended claim 1, which is provided below for the Examiner's convenience.

1. (Currently Amended) A computer-implemented method of determining a pathway between a source connection point and a target connection point comprising:

providing a computer system having at least one database comprising data defining individuals,

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business entities, or both as connection points;

defining the source connection point as a list of contacts comprising individuals, business entities, or both;

defining the target connection point, wherein the target connection point is at least one individual, business entity, or both; and

defining a set of intermediate connection points as a series of intermediate contacts that collectively define the pathway from the source connection point to the target connection point, as a function of predetermined relationships among a superset of contacts comprising the intermediate contacts.

Support for Applicants' newly amended claim 1 may be found throughout the subject application, for example, in Figures 5-21 and the accompanying discussion in the specification.

As shown above, Applicants' newly amended claim 1 recites, in part, "defining the target connection point, wherein the target connection point is at least one individual, business entity, or both". See, Applicants' claim 1. In other words, Applicants' claim 1 provides a pathway between people or businesses to other people or businesses. See, e.g., Figure 9 of the present application, which shows a connection from a person to a business entity (Exxon).

In contrast, Raveis appears to teach connecting people (real estate agents) with real estate listings (homes for sale). It is Applicants' understanding that the ~ in Raveis is always a listing for real estate. Applicants respectfully submit that a real estate sales listing is neither an individual, a business entity, or both as required by Applicants' claim 1.

Further, Applicants remind the Examiner that the claims of an application must be read in light

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of the specification. Applicants respectfully contend that the meaning of the term "business entity" may be easily ascertained upon a cursory review of the specification, e.g., Figures 9, 14, etc. Applicants respectfully submit that to equate a real estate listing with a business entity (e.g. Exxon in Figure 9) would be interpreting the claims in a manner outside that which has been set forth by Applicants in the specification. See, MPEP §2111 ("claims must "given their broadest reasonable interpretation consistent with the specification"). Emphasis Added.

Therefore, Applicants respectfully submit that Raveis fails to disclose each and every limitation of Applicants' newly amended claim 1. As such, Applicants respectfully submit that newly amended claim 1 is in condition for allowance. Applicants note that newly added independent claims 11 has been drafted to include similar limitations to that of claim 1 and respectfully submit that claim 11 is in condition for allowance as well. Since dependent claims 2-10 and 12-20 depend, either directly or indirectly, from Applicants' independent claims 1 and 11, Applicants respectfully submit that these claims are in condition for allowance as well. Accordingly, withdrawal of the rejection to claim 1 under 35 U.S.C. § 102 is respectfully requested and an indication of allowability of claims 1-20 is earnestly solicited.

Concerning the above arguments, Examiner respectfully submits that the instant application is examined based on the broadest reasonable interpretation standard (See MPEP 2111), "During examination, the claims must be interpreted as broadly as their terms reasonably allow." In re American Academy of Science Tech Center, 367 F.3d 1359, 1369, 70 USPQ2d 1827, 1834 (Fed. Cir. 2004) (The USPTO uses a different standard for construing

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claims than that used by district courts; during examination the USPTO must give claims their broadest reasonable interpretation.) In *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005), the court further elaborated on the “broadest reasonable interpretation” standard and recognized that “The Patent and Trademark Office (“PTO”) determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction.” Thus, when interpreting claims, the courts have held that Examiners should (1) interpret claim terms as broadly as their terms reasonably allows and (2) interpret claim phrases as broadly as their construction reasonably allows.

Examiner further respectfully submits that the phrases such as “business entity” and “pathway from a source connection point to a target connection point” carry some extremely broad meaning which can be very broadly interpreted based on the standard as set forth in MPEP. It is respectfully submitted that an entity is simply an item that can be treated as a unit and a business entity is a business item. Therefore, Raveis' list of contacts in which a contact is seen as an entity because it is an item that can be treated as a unit, and a contact in real estate business is certainly a business entity. Examiner further respectfully submits that a pathway is no more than a course and Raveis' pathway between sales agents and real estate sales listing does disclose a pathway from a source connection point to a target connection point.

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Based on the above discussion, Examiner respectfully maintains the same grounds as set forth in previous action to reject instant application’s most newly amended set of claims.

Conclusion

5.1. Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. SEE MPEP 2141.02 [R-5] VI. PRIOR ART MUST BE CONSIDERED IN ITS ENTIRETY, INCLUDING DISCLOSURES THAT TEACH AWAY FROM THE CLAIMS: A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984) In re Fulton, 391 F.3d 1195, 1201,73 USPQ2d 1141, 1146 (Fed. Cir. 2004). >See also MPEP §2123.

5.2. In the case of amending the Claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Contact Information

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6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to KUEN S. LU whose telephone number is (571)-272-4114. The examiner can normally be reached on Monday-Friday (8: 00 am-5: 00 pm).

If attempts to reach the examiner by telephone pre unsuccessful, the examiner's Supervisor, Pierre Vital can be reached on (571)-272-4215. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for Page 13 Published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system; contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, please call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KUEN S. LU /Kuen S Lu/

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Primary Patent Examiner

December 16, 2010